



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**  
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The Department of Ecology Hazardous Waste and Toxics Reduction Program is amending its Dangerous Waste rule. As part of this rule amendment, we are conducting a very important survey to help us determine the costs of compliance or savings you may experience if the amendments are adopted.

This survey will focus only on the parts of the rule amendments that are state requirements. It will not focus on federal requirements and federal changes that may affect state-only waste generators. **Your participation in this survey is crucial.** Please **respond by April 10.**

**We can protect any data that may reveal your identity.** We collect data for economic analysis under [Chapter 19.85 Revised Code of Washington \(RCW\)](#) and [RCW 34.05.328](#). If you submit any data that could reveal your identity, we will not provide it under public disclosure due to an exemption in the public disclosure law. This includes anything unusual in your response that might allow someone to identify you. If you have concerns about our ability to protect your identity or data please read "[RCW 42.17.31908](#)", Business information gathered under certain regulatory activities exempt."

**In order to assure protection of your data, it is best not to submit your response back to us by email.** During public disclosure we have very short turn around times. This makes it hard to assure we have removed information that may identify you from every applicable data transmittal sent by email. **Instead, please mail the data on a CD or disk or return a hard copy.**

We want this to be **as easy as possible for you.** If you can't give us exactly what we have asked for, please give us the next best estimate. Please make sure you include all your costs, including contracted professional services, in-house labor, equipment, supplies, administrative costs, lost sales or revenue, record keeping, reporting, overhead, or other costs.

**We will use this data for several purposes:**

- To help improve the cost effectiveness of the rule.
- To find out whether the impact of the rule is disproportionately larger for smaller companies.
- To determine the cost of the rule for the required cost benefit analysis.

Ecology wants to make this as easy as possible for you. The **draft rule and the attached survey are available on line** at: <http://www.ecy.wa.gov/laws-rules/activity/wac173303.html>.

**Questions**

Please contact Anh Berry at (360) 407-6988 or [anbe461@ecy.wa.gov](mailto:anbe461@ecy.wa.gov). You can also mail questions to the address below. We will put the questions and the answers at <http://www.ecy.wa.gov/laws-rules/activity/wac173303.html> so you can see what other people are asking about.

Please send completed surveys to:

Anh Berry  
Governmental Relations  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

## Transportation Storage and Disposal Site (TSD) Survey

The following information explains three proposed changes in the rule. Please answer the survey questions that come after each explanation.

### Corrective Action Management Unit (CAMU) Requirements

Section 646100 in the draft rules

EPA has changed the corrective action management unit requirements for CAMUs designated after 2002. The new federal requirements are more stringent.

Ecology is adding flexibility by including the provision for sending "Corrective Action Management Unit eligible waste" off site for disposal at a permitted hazardous waste landfill.

Note: CAMU- eligible waste means solid and dangerous wastes, and media (including ground water, surface water, soils, and sediments) and debris, which are managed for implementing cleanup. This does not include as-generated wastes, either dangerous or non-dangerous, from ongoing industrial operations.

Ecology hopes this will be a cost savings for some parties because it allows another option.

Do you think the offsite flexibility will benefit your facility? ☐ Yes ☐ No

If yes, do you think that the provision will save you money? ☐ Yes ☐ No

If yes, what do you estimate your total savings might be for your cleanup? \$\_\_\_\_\_

### Partial Closures

Section 400(3)(c)(ix) and 610(3)(c) in the draft rules

This change would require a TSD facility to notify Ecology when they begin to close an individual unit (tank, container, or incinerator unit) rather than waiting to notify Ecology when the TSD begins closure for the entire facility. The change applies to both interim status and final status facilities.

Please estimate how much you think it will cost to notify Ecology about a partial closure?  
\$\_\_\_\_\_

How many partial closures are you likely to do in a 5 year period? \_\_\_\_\_

## Documenting “knowledge”

Section 040- Knowledge in the draft rules

Section 300 in the draft rules

Under the existing rule, an owner or operator of a TSD is required to obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before they treat, store or dispose of it.

- The amendment clarifies that the analysis **MUST** (rather than may) include either existing published or documented data or analytical data from similar waste, or a combination of both.
- The amendment goes on to clarify what would constitute “**knowledge**” from a generator to complete the waste profile, and
- The amendment also states the TSD has to confirm the reliability of the information through either a site visit, or through ensuring the analysis is based on appropriate and representative sampling or testing, or through a comparison of their process to a similar process.

How many of your customers use “knowledge” to define their waste? \_\_\_\_\_

How much will it cost you, per customer, to verify they have gathered existing published or documented data or analytical data from similar waste or a combination of both? \$\_\_\_\_\_

Please put a check mark on the most likely mechanism you will use to confirm the reliability of the waste analysis for an average customer who uses “knowledge” and indicate the cost to you of doing this.

☐ **Site visit**

How much will it cost you to confirm the reliability of the information through a site visit?  
\$\_\_\_\_\_

☐ **Representative sampling**

How much will it cost you to confirm the reliability of the information through ensuring the analysis is based on appropriate and representative sampling or testing? \$\_\_\_\_\_

☐ **Process comparison**

How much will it cost you to confirm the reliability of the information through a comparison of their process to a similar process? \$\_\_\_\_\_

## Generator Survey

The following information explains three proposed changes in the rule. Please answer the survey questions that come after each explanation.

### Residues of empty containers

Section 160(3)(a) in the draft rules

Residues of empty containers or inner liners are currently exempt waste. This revision will subject residues to three existing sections of the rule. This amendment clarifies if the residue does not remain in the container or the inner liner, or if it ceases to be a residue (i.e. it is spilled or causes an environmental problem) then it is subject to cleanup under the following three sections of the rule. This is consistent with requirements for other excluded wastes.

050 - Clean up authority

145 – Spills and discharges, and

960 – Special powers and authorities

Have you ever had a spill of dangerous waste residues from an empty container or inner liner?

☐ Yes      ☐ No

If yes, did you clean it up?      ☐ Yes      ☐ No

If yes, how much did it cost you to clean it up? \$ \_\_\_\_\_

If no, how much would you estimate that it would cost to clean it up? \$ \_\_\_\_\_

Have you ever notified Ecology in the event of a spill?      ☐ Yes      ☐ No

If yes, how much did it cost you to notify Ecology? \_\_\_\_\_

### Using Knowledge for Labeling

Section 040- Knowledge in the draft rules

Section 300 in the draft rules

Under the existing rule, a generator may use "knowledge" to designate their waste, and they must be able to demonstrate that the knowledge they used is sufficient. TSDs are currently required to obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before they treat, store or dispose of it. A proposed rule for TSDs would require them to have copies of existing published or documented data or analytical data from similar waste, or a combination of both when the generator has used knowledge to designate their waste. Knowledge is being defined as "there is sufficient information about both the waste constituents and the process generating a waste to reliably substitute for direct testing of the waste. Such information must include the chemical, physical, and/or biological characteristics of the waste. (For example, if all chemical constituents used in an industrial process generating a waste are known and the formation of the waste by-products from that industrial process are understood, that information may be sufficient without direct laboratory analysis to describe the waste for safe management under this chapter.)".

Do you use knowledge (instead of testing) to designate your waste?

☐ Yes

☐ No

If yes, how much does will it cost you to provide that information to a TSD?

\$ \_\_\_\_\_

## **Marking packages of dangerous waste**

Section 190(5)(b) in the draft rules

This change removes a gap in the existing labeling requirements. A generator would be required to mark all packages of dangerous waste in preparation for transport. The marking requirement is being changed from packages of 110 gallons or less to 1000 gallons or less. This means that packages between 110 and 1000 gallons would now have to be marked.

How much does it cost you to mark a container of hazardous waste? \$ \_\_\_\_\_

How many packages between 110 and 1000 gallons do you send off site in a single year? \_\_\_\_\_

## **Fertilizer Survey**

The following information explains a proposed change in the rule. Please answer the survey questions that come after the explanation.

### **Fertilizer**

Sections 071(3)(oo) and (pp), and 505(1) in the draft rules

Ecology is providing 3 new fertilizer cost savings.

- If a fertilizer has already been registered in Washington 2 or more times, additional testing and fertilizer manufacturing description information would not be required unless the contents or process change.
- If a generator locates a fertilizer manufacturer who can use zinc from a recycled hazardous secondary material, then the zinc waste would be excluded for the generator.
- The fertilizers using the zinc are excluded as long as they meet certain contaminant limits.

Do you think that the fertilizer changes will benefit your facility?

☐ Yes

☐ No

If yes, how much would you estimate your total savings might be for your facility? \$\_\_\_\_\_

## Mercury Survey

The following material explains a proposed change in the rule. Please then answer the questions that come after the explanation.

### Universal Waste Rule for Mercury-Containing Equipment

Sections 040, 077, 400(2)(c), 573, 600(3), 800(7)(c) in the draft rules

Mercury-Containing Equipment would move to streamlined universal waste management rather than being subject to all the requirements of the Dangerous Waste Rules.

The mercury waste would not have to be counted toward waste generation totals or manifested offsite. It could be accumulated on-site for up to one year. While the waste must still go to a TSD or recycler:

- Some generators may be able to shift from being a large to a medium, or a medium to small quantity generator.
- Some generators may be able to have reduced transportation costs under universal waste handling.

Do you think that the shift to a universal waste rule for mercury containing equipment will benefit your facility? ☐ Yes ☐ No

If yes, how much do you estimate that your total savings might be for your cleanup? \$\_\_\_\_\_

## Used Oil Survey

The following information explains one proposed change in the rule. Please answer the survey questions that come after the explanation.

### Used Oil

Section 515(13) in the draft rules

Ecology would be able to require anyone to test their used oil to determine if it is on-specification, if it contains a listed hazardous waste, or if it cannot be managed as used oil. Under this new authority, Ecology inspectors may be able to ask for a reduced set of tests. For example, the used oil could be tested using a chlorine compounds test rather than designation testing.

Have you ever had your used oil subjected to designation testing? ☐ Yes ☐ No

If yes, how much did it cost? \$\_\_\_\_\_

Have you ever had your used oil tested for chlorinated compounds? ☐ Yes ☐ No

If yes, how much did it cost? \$\_\_\_\_\_



## Permit by Rule Survey

The following information explains a proposed change in the rule. Please answer the survey questions that come after the explanation.

### Permit-by-Rule/Wastewater Treatment Unit

Section 040 Knowledge, 802(5) in the draft rules

In order to reduce costs for companies who own permit-by-rule wastewater treatment units (WAC 173-303-802(5)), Ecology will allow these facilities to receive (federally regulated) hazardous wastewaters that have been generated offsite. They can already accept state-only waste from off-site. This change reflects an interpretation by USEPA that allows wastewater treatment units to be considered designated facilities as identified by a generator's Uniform Hazardous Waste Manifest. This would also benefit companies who could send their wastewaters to a related facility's wastewater treatment unit.

This change will be limited to wastewaters from off-site that are from a similar industry and have similar dangerous constituents to those in the wastewaters that are normally generated and treated by the host wastewater treatment unit. In others words, the host could only accept wastewaters that will be covered by permit requirements and will be effectively treated by the wastewater treatment facility. Businesses wanting to take advantage of this change should plan to do so when their wastewater discharge permit is up for renewal.

What this change will not do is open up opportunities for businesses to operate under permit by rule and receive wastewater from unrelated off-site sources. The potential receiving facility must have a wastewater treatment unit that is designed to treat wastewaters that are generated on-site before it is eligible to receive similar wastewaters from off-site generated by their associated businesses.

Industries or businesses that would benefit from this change include the aerospace and petroleum refinery industries as well as some government facilities.

Do you have an on-site wastewater treatment unit? ☐ Yes ☐ No

If yes, are you taking state-only wastes from off-site? ☐ Yes ☐ No

Do you have off-site subsidiaries generating federally regulated waste that you could take wastewaters from if this rule change goes into effect? ☐ Yes ☐ No

If yes, how much money could your company save if this change goes into effect?  
\$\_\_\_\_\_

Would you be willing to take wastewater from similar off-site industry sources that are not subsidiaries? ☐ Yes ☐ No

If yes, how much money would you make by offering to take wastewaters from others?  
\$\_\_\_\_\_